

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, February 21, 2006

Present: Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George G. Forrest, County Administrator

Glenda Dennis, Administrative Assistant (Recorder)

The meeting was called to order at 9:07 am.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Raley moved, seconded by Commissioner Dement, to change the agenda to allow for Commissioners Time at 11:30 and Appointments to Boards and Committees at 11:45 and to consider appointments in Executive Session. Motion carried 5-0.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register dated, February 21, 2006, as presented. Motion carried 5-0.

APPROVAL OF THE MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, February 14, 2006, as amended. Motion carried 5-0.

PROCLAMATION

Present: Mr. Bernard S. Mogan; Mrs. Bernard Morgan; Sheriff David D. Zylak; and Lt. A. Willenborg, Commander of Corrections

Mr. Bernard S. Morgan was presented with a proclamation and letter on behalf of the Board of County Commissioners for his retirement from the Department of Corrections. He was also

presented with a plaque by Sheriff Zylak. Mr. Morgan thanked everyone and said that he enjoyed the time that he was at the Correction Center.

Sheriff Zylak then congratulated Commissioner Jarboe and presented him with a picture of the Citizens Academy graduating class. Commissioner Jarboe stated that this class details what goes on at the Sheriff's Office and Detention Center through the court system. This is a six week course, three hours per session. The next class begins April 5, 2006.

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: Adoption of 2005 National Electric Code with Amendments as the St. Mary's County Electrical Code (*Denis Canavan, Director, LUGM; Heidi Dudderar, Deputy County Attorney*)

Mr. Canavan noted for the record that the Commissioners held a Public Hearing on December 6, 2005, to hear testimony on the proposed adoption of the 2005 National Electric Code with Amendments as the St. Mary's County Electrical Code. Subsequently, the St. Mary's County Board of Electrical Examiners (Electric Board) met on January 3, 2006, and February 7, 2006 to review the comments from the Commissioners' December 6th public hearing. Part of the testimony had to do with the requirements for homeowners installing circuits and equipment operating at less than 50 volts. While the Electric Board did not intend to restrict homeowners from installing appliances or extending wiring in open spaces, they have safety concerns about homeowners installing wires in concealed spaces such as floor, wall and ceiling. To that extent, the Electric Board went further and recommended that the following revision be made to Page 3, D, Restricted Licenses: "The work contemplated within the following articles of NEC shall be performed by a St. Mary's County licensed master electrician, restricted licensed, or a homeowner that has been approved pursuant to Article III, Section 217-4."

Commissioner Jarboe recalled that the Board of County Commissioners previously asked for an exception to the requirement for homeowners for the installation of wiring and equipment operating at less than 50 volts and that he would further support an exemption for off-grid installed systems.

The Commissioners also expressed concern about the other eight items listed in the proposed Ordinance that would require homeowners to be tested and obtain permits and agreed to table adoption of the proposed County Electrical Code to allow staff to provide a thorough description of all nine of the items under Article 1, D. Restricted Licenses.

STUDENT PRESENTATIONS: African-American History Month

Present: Mr. Smoot, Lynne Morgan-Smoot, Supvr. of Instruction for Fine Arts; Ms. Jennifer Gilman, Principal; and Ms. Ruth Gray, Music Teacher, Hollywood Elementary School

Students from Hollywood Elementary School presented a music program depicting the history of different types of music from the African American culture (African Spirituals, Jazz, etc.). This is part of the performances scheduled for the Leonardtown Memorial Library for Wednesday, February 22, 2006, and Thursday, February 23, 2006, at the Lexington Park Library.

COUNTY ADMINISTRATOR

1. Draft Agendas for February 28 and March 7,, 2006.

2. St. Mary's County Metropolitan Commission (*Steven L. King, Director; Jackie Raley Meiser, General Counsel to MetCom; Heidi Dudderar, Deputy County Attorney*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize Commissioner President McKay to sign the documents approving the action by the St. Mary's County Metropolitan Commission to refinance the Maryland DHCD Infrastructure Bonds 1995 Series A and 1996 Series A. Motion carried 5-0.

3. Emergency Communications Center (*Timothy I. Bennett, Manager, Emergency Management Division, Public Safety; and Shirley L. Copado, Manager, Emergency Communications Division*)

a. Commissioner Mattingly moved, seconded by Commissioner Dement, to approve the second component awarded by the Emergency Number Systems Board for the purchase of three new chairs and twelve headsets, and authorize the Commissioner President to sign the budget amendment to align the project budget to the grant award. Motion carried 5-0.

b. Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Addendum to the Memorandum of Understanding between the Maryland Department of the Environment and the St. Mary's County Local Emergency Planning Committee and the related budget amendment. Motion carried 5-0.

4. Department of Finance (*Elaine Kramer, Chief Financial Officer; Joyce Sapp, St. Mary's County Health Department*)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Budget Amendment for \$11,994 to reduce the Operating Allocation for the Health Department and increase the BOCC Emergency Reserve for funds that are not needed for Mosquito Control. Motion carried 5-0.

5. Department of Recreation, Parks and Community Services (*Arthur Shepherd, Recreation Division Manager; and Gary Reed, Leisure Program Coordinator, RP&CS*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President McKay to sign the grant application in the amount of \$4,000 for the Summerstock Musical. Motion carried 5-0.

6. Board of Library Trustees (*Kathleen Reif, Library Director; Trustees: Joseph Bush, Joan Marsh and Jan Briscoe*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the amendment to the Board of Library Trustees of St. Mary's County Bylaws, permitting appointed members to serve as an Officer of the Board for up to four consecutive terms and authorize Commissioner President to sign the amended bylaws. Motion carried 5-0.

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: PROPOSED TEST AMENDMENTS (*Denis Canavan, Director; Yvonne Chaillet, Zoning Administrator, LUGM*)

Mr. Canavan presented three Zoning Ordinance for "first reader."

Commissioner Mattingly moved, seconded by Commissioner Raley, to direct the Land Use and Growth Management staff to continue processing to the second reader step the Comprehensive Zoning Ordinance Text Amendments to Section 32.1 to provide standards for

cluster developments, to Article 9 to revise the definition of cluster development, and Subdivision Ordinance Text Amendment to Article 5 to revise the definition of cluster development. Motion carried 5-0.

Mr. Canavan noted for the record that due to pending litigation brought by Clear Channel and equal protection concerns, the Local Government Insurance Trust (LGIT) recommended against the adoption of the proposed amendments relating to signs for home occupation and nonprofit and civic organizations.

Commissioner Raley moved, seconded by Commissioner Dement, to by-pass the second reading step and to forward the proposed Text Amendment to Section 51.3.112, Home Occupation, to allow off-site advertising, directly to the Planning Commission for their review. Motion carried

5-0.

Commissioner Matting moved, seconded by Commissioner Dement, to by-pass the second reading step and to forward directly to the Planning Commission the proposed text amendment to Chapter 65 to allow off-site advertising for nonprofit and civic organizations. Motion carried 5-0.

Commissioner President McKay asked the Legal Department to provide the Board with written recommendation on how to address LGIT's concerns as well as the sign concerns.

COMMISSIONERS' TIME

Commissioner Dement

Attended the St. Mary's Nursing Home Employee Recognition Ceremony and the Business Development Roundtable Meeting at Lenny's Restaurant. He apologizes to all other functions that he was unable to attend.

Commissioner Mattingly

Attended the Dr. James A. Forrest Career & Technology Center's 7th Annual Tech Expo and want to congratulate the Tech Center and the Board of Education. Had a special interest in the Fire and EMS programs they are initiating this year. The fire and rescue squads appreciate the implementation of these programs by the Board of Education. Hopefully, this will help the organizations in their recruiting process as well.

Attended the St. Mary's Co. 4-H Awards and Recognition Banquet at the Leonardtown Firehouse. There was a lot of family involvement and hundreds of awards given to the children for projects that were done throughout the year.

Commissioner Jarboe

Commissioner Jarboe stated that a Resolution was recently adopted allowing water and sewer access into the RPD for the exclusive construction of a school. However, the word "facilities" was re-inserted in the Resolution. I would not have signed the Resolution if I had noticed that this word had been put back in. Request the consensus of the Board to bring this matter back to the Board for discussion on removing the word "facility."

The Board agreed to bring this matter back on a future BOCC agenda as a proposed text amendment.

Commissioner Raley

Attended the Dr. James A. Forrest Career & Technology Center's 7th Annual Tech Expo. He congratulates the individuals who took part in the Tech Expo. He went to the Graphic Arts section and was shown an extremely valuable printing press purchased from government surplus and states that it is amazing, the things that students are being taught. He thinks that every fire and rescue organization was represented.

Attended the St. Mary's County 4-H Awards and Recognition Banquet. There is a lot of parental support with this program.

Apologizes to Walden/Sierra for not being able to attend their event at Outback.

Commissioner McKay

Suggested visiting the 200-acre school campus in Charles County on Rt. 210. This campus-style setting includes the North Point High School, middle school and elementary school and is an unbelievable environment for education. The "facilities" go beyond schools, but are integral parts of the children's education. I continue to question why there was such a high level of concern about the 50 acre Wildewood property that the Board of Ed wants to use as a school site. There are elementary schools in Ridge and other areas throughout the County on public water and sewer. Overwhelmingly, I have heard from citizens who are thankful we decided to allow water and sewer for the construction of the school in Wildewood.

MOTION FOR FEBRUARY 21, 2006, EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Dement, to enter into Executive Session to discuss Personnel matters, specifically appointments to Board and Committees and the County Attorney and Deputy County Attorney vacancies, as provided for under Article 24, Section 4-210(a)1. Motion carried 4-0. Commissioner Jarboe voted No.

EXECUTIVE SESSION

Personnel

Present: Commissioner Thomas F. McKay, President

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George Forrest, County Administrator.

Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 12:01 – 12:35 pm

Action taken: The Commissioners discussed appointments to boards, committees or commissions and the County Attorney and Deputy County Attorney positions.

VISITS TO LOCAL BUSINESSES

The Commissioners departed the Governmental Center to visit the following businesses:

Total Fitness, Callaway; Curtis Tire Center, Inc., and Sabre Systems, Inc., in Lexington Park; and Petruzzi's Restaurant in Wildewood (for ribbon cutting).

ADJOURNMENT

The meeting adjourned at 4:30 p.m.

Minutes approved by the Board of County Commissioners on _____

Glenda Dennis, Administrative Assistant